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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ANTHONY DAVID FLORES,
aka "Anton David," and
16 ANNA RENE MOORE,

17 Defendants.
18

No. 2:22-CR-00593-PA

STIPULATION AND JOINT REQUEST FOR
A PROTECTIVE ORDER REGARDING
DISCOVERY CONTAINING PERSONAL
IDENTIFYING INFORMATION, MEDICAL
INFORMATION, AND PRIVACY ACT
INFORMATION

[PROPOSED ORDER FILED SEPARATELY]

19 Plaintiff, United States of America, by and through its counsel
20 of record, the United States Attorney for the Central District of
21 California and Assistant United States Attorney Andrew M. Roach, and
22 defendant Anthony David Flores, also known as "Anton David"
23 ("defendant"), by and through his counsel of record,
24 Ambrosio E. Rodriguez (collectively the "parties"), for the reasons
25 set forth below, request that the Court enter the proposed
26 protective order (the "Protective Order") governing the use and
27 dissemination of (1) personal identifying information ("PII") of
28 real persons pursuant to Federal Rule of Criminal Procedure

1 Rule 16(d) (1), (2) medical or health information, and (3) material
2 that may contain information within the scope of the Privacy Act.

3 Introduction and Grounds for Protective Order

4 1. Defendant Anthony David Flores, also known as "Anton
5 David," is charged in this matter with violations of 18 U.S.C.
6 § 1349 (Conspiracy to Commit Wire Fraud and Mail Fraud); 18 U.S.C.
7 § 1343 (Wire Fraud); 18 U.S.C. § 1341 (Mail Fraud); 18 U.S.C.
8 § 1028A (Aggravated Identity Theft); 18 U.S.C. § 1956(h) (Conspiracy
9 to Engage in Money Laundering); 18 U.S.C. § 1956(a) (1) (B) (i)
10 (Laundering of Monetary Instruments); 18 U.S.C. § 1957(a) (Engaging
11 in Monetary Transactions in Property Derived from Specified Unlawful
12 Activity); and 18 U.S.C. § 2(b) (Causing an Act to Be Done).
13 Defendant is currently detained pending trial.

14 2. A protective order is necessary because the government
15 intends to produce to the defense materials containing third
16 parties' PII and medical information. The government believes that
17 disclosure of this information without limitation risks the privacy
18 and security of the information's legitimate owners. The medical
19 information at issue may also be subject to various federal laws
20 protecting the privacy of medical records, including provisions of
21 the Privacy Act, 5 U.S.C. § 552a; provisions of 45 C.F.R.
22 §§ 164.102-164.534; and/or provisions of 42 U.S.C. § 1306. Because
23 the government has an ongoing obligation to protect third parties'
24 PII and medical information, the government cannot produce to
25 defendant an unredacted set of discovery containing this information
26 without the Court entering the Protective Order. Moreover, PII and
27 medical information make up a significant part of the discovery in
28 this case and such information itself, in many instances, has

1 evidentiary value. If the government were to attempt to redact all
2 this information in strict compliance with Federal Rule of Criminal
3 Procedure 49.1, the Central District of California's Local Rules
4 regarding redaction, and the Privacy Policy of the United States
5 Judicial Conference, the defense would receive a set of discovery
6 that would be highly confusing and difficult to understand, and it
7 would be challenging for defense counsel to adequately evaluate the
8 case, provide advice to defendant, or prepare for trial.

9 3. An order is also necessary because the government intends
10 to produce to the defense materials that may contain information
11 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
12 Information"). To the extent that these materials contain Privacy
13 Act Information, an order is necessary to authorize disclosure
14 pursuant to 5 U.S.C. § 552a(b)(11).

15 4. The purpose of the Protective Order is to (a) allow the
16 government to comply with its discovery obligations while protecting
17 this sensitive information from unauthorized dissemination, and
18 (b) provide the defense with sufficient information to adequately
19 represent defendant.

20 Definitions

21 5. The parties agree to the following definitions:

22 a. "PII Materials" includes any information that can be
23 used to identify a person, including a name, address, date of birth,
24 Social Security number, driver's license number, telephone number,
25 account number, email address, or personal identification number.

26 b. "Medical Materials" includes any individually
27 identifiable health information that is connected to a patient's
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1 name, address, or other identifying number, such as a Social
2 Security number or Medicare/Medi-Cal number.

3 c. "Confidential Information" refers to any document or
4 information containing PII Materials or Medical Materials that the
5 government produces to the defense pursuant to this Protective Order
6 and any copies thereof.

7 d. "Defense Team" includes (1) defendant's counsel of
8 record ("defense counsel"); (2) other attorneys at defense counsel's
9 law firm who may be consulted regarding case strategy in this case;
10 (3) defense investigators who are assisting defense counsel with
11 this case; (4) retained experts or potential experts; and
12 (5) paralegals, legal assistants, and other support staff to defense
13 counsel who are providing assistance on this case. The Defense Team
14 does not include defendant, defendant's family members, or any other
15 associates of defendant.

16 Terms of the Protective Order

17 6. The parties jointly request the Court enter the Protective
18 Order, which will permit the government to produce Confidential
19 Information in a manner that preserves the privacy and security of
20 third parties. The parties agree that the following conditions in
21 the Protective Order will serve these interests:

22 a. The government is authorized to provide defense
23 counsel with Confidential Information marked with the following
24 legend: "CONFIDENTIAL INFORMATION -- SUBJECT TO PROTECTIVE ORDER."
25 The government may put that legend on the digital medium (such as
26 DVD or hard drive) or simply label a digital folder on the digital
27 medium to cover the content of that digital folder. The government
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1 may also redact any PII contained in the production of Confidential
2 Information.

3 b. If defendant objects to a designation that material
4 contains Confidential Information, the parties shall meet and
5 confer. If the parties cannot reach an agreement regarding
6 defendant's objection, defendant may apply to the Court to have the
7 designation removed.

8 c. Defendant and the Defense Team agree to use the
9 Confidential Information solely to prepare for any pretrial motions,
10 plea negotiations, trial, and sentencing hearing in this case, as
11 well as any appellate and post-conviction proceedings related to
12 this case.

13 d. The Defense Team shall not permit anyone other than
14 the Defense Team to have possession of Confidential Information,
15 including defendant, while outside the presence of the Defense Team.

16 e. At no time, under no circumstance, will any
17 Confidential Information be left in the possession, custody, or
18 control of defendant, regardless of defendant's custody status.

19 f. Defendant may review PII Materials and Medical
20 Materials only in the presence of a member of the Defense Team, who
21 shall ensure that defendant is never left alone with any PII
22 Materials or Medical Materials. At the conclusion of any meeting
23 with defendant at which defendant is permitted to view PII Materials
24 or Medical Materials, defendant must return any PII Materials or
25 Medical Materials to the Defense Team, and the member of the Defense
26 Team present shall take all such materials with him or her.
27 Defendant may not take any PII Materials or Medical Materials out of
28 the room in which defendant is meeting with the Defense Team.

1 g. Defendant may see and review Confidential Information
2 as permitted by this Protective Order, but defendant may not copy,
3 keep, maintain, or otherwise possess any Confidential Information in
4 this case at any time. Defendant also may not write down or
5 memorialize any data or information contained in the Confidential
6 Information.

7 h. The Defense Team may review Confidential Information
8 with a witness or potential witness in this case, including
9 defendant. A member of the Defense Team must be present if PII
10 Materials or Medical Materials are being shown to a witness or
11 potential witness. Before being shown any portion of Confidential
12 Information, however, any witness or potential witness must be
13 informed of, and agree in writing to be bound by, the requirements
14 of the Protective Order. No member of the Defense Team shall permit
15 a witness or potential witness to retain Confidential Information or
16 any notes generated from Confidential Information.

17 i. The Defense Team shall maintain Confidential
18 Information safely and securely, and shall exercise reasonable care
19 in ensuring the confidentiality of those materials by (1) not
20 permitting anyone other than members of the Defense Team, defendant,
21 witnesses, and potential witnesses, as restricted above, to see
22 Confidential Information; (2) not divulging to anyone other than
23 members of the Defense Team, defendant, witnesses, and potential
24 witnesses, the contents of Confidential Information; and (3) not
25 permitting Confidential Information to be outside the Defense Team's
26 offices, homes, vehicles, or personal presence.

27 j. To the extent that defendant, the Defense Team,
28 witnesses, or potential witnesses create notes that contain, in

1 whole or in part, Confidential Information, or to the extent that
2 copies are made for authorized use by members of the Defense Team,
3 such notes, copies, or reproductions become Confidential Information
4 subject to the Protective Order and must be handled in accordance
5 with the terms of the Protective Order.

6 k. The Defense Team shall use Confidential Information
7 only for the litigation of this matter and for no other purpose.
8 Litigation of this matter includes any appeal filed by defendant and
9 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the
10 event that a party needs to file Confidential Information with the
11 Court or divulge the contents of Confidential Information in court
12 filings, the filing should be made under seal. If the Court rejects
13 the request to file such information under seal, the party seeking
14 to file such information publicly shall provide advance written
15 notice to the other party to afford such party an opportunity to
16 object or otherwise respond to such intention. If the other party
17 does not object to the proposed filing, the party seeking to file
18 such information shall redact any PII Materials or Medical Materials
19 and make all reasonable attempts to limit the divulging of PII
20 Materials or Medical Materials.

21 l. The parties agree that any Confidential Information
22 inadvertently produced in the course of discovery prior to entry of
23 the Protective Order shall be subject to the terms of the Protective
24 Order. If Confidential Information was inadvertently produced prior
25 to entry of the Protective Order without being marked "CONFIDENTIAL
26 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
27 shall reproduce the material with the correct designation and notify
28

1 defense counsel of the error. The Defense Team shall take immediate
2 steps to destroy the unmarked material, including any copies.

3 m. Confidential Information shall not be used by the
4 defendant or Defense Team, in any way, in any other matter, absent
5 an order by this Court. All materials designated subject to the
6 Protective Order maintained in the Defense Team's files shall remain
7 subject to the Protective Order unless and until such order is
8 modified by this Court. Upon request by the government, defense
9 counsel shall return all PII Materials or Medical Materials, certify
10 that such materials have been destroyed, or certify that such
11 materials are being kept pursuant to the California Business and
12 Professions Code and the California Rules of Professional Conduct.

13 n. In the event that there is a substitution of counsel
14 prior to when such documents must be returned, new defense counsel
15 must be informed of, and agree in writing to be bound by, the
16 requirements of the Protective Order before the undersigned defense
17 counsel transfers any Confidential Information to the new defense
18 counsel. New defense counsel's written agreement to be bound by the
19 terms of the Protective Order must be returned to the Assistant U.S.
20 Attorney assigned to the case. New defense counsel then will become
21 the Defense Team's custodian of materials designated subject to the
22 Protective Order and shall then become responsible, upon the
23 conclusion of appellate and post-conviction proceedings, for
24 returning to the government, certifying the destruction of, or
25 retaining pursuant to the California Business and Professions Code
26 and the California Rules of Professional Conduct all PII Materials
27 or Medical Materials.

o. Defense counsel agrees to advise defendant and all members of the Defense Team of their obligations under the Protective Order and ensure their agreement to follow the Protective Order, prior to providing defendant and members of the Defense Team with access to any materials subject to the Protective Order.

p. Defense Counsel has conferred with defendant regarding this stipulation and the proposed order thereon, and defendant agrees to the terms of the proposed order.

q. Accordingly, the parties have agreed to request that the Court enter a protective order in the form submitted herewith.


IT IS SO STIPULATED.

Dated: February 17, 2023

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

ANNAMARTINE SALICK
Assistant United States Attorney
Chief, National Security Division



ANDREW M. ROACH
Assistant United States Attorney

Attorneys for Applicant
UNITED STATES OF AMERICA

DATED: 02/15/23



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ANTHONY DAVID FLORES